

August 31, 1999

Mr. John R. Hoffman
6607 Willow Lane
Mission Hills, Kansas 66208-1974

Re: Appointment to the North American Numbering Council

Dear Mr. Hoffman:

I am pleased to confirm your appointment to serve as Chairman of the North American Numbering Council (NANC). As you know, the NANC is an advisory committee established under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2 (1988), to advise the Federal Communications Commission on matters relating to the administration of our numbering resources. Since October 1, 1996, the NANC has continued to fulfill its commitment and purpose of providing this Commission with extremely valuable advice and recommendations under the tenure of former NANC Chairman, Alan C. Hasselwander. I am confident that under your stewardship, the NANC will continue to provide such important support to this Commission.

Your experience and demonstrated skill as a corporate executive and director on numerous boards will serve you well as the Chairman of the NANC, which represents all telecommunication industry segments as well as the interests of state regulators and consumer groups. I am certain that you will be able to forge consensus among NANC members and ensure that NANC's recommendations serve the public interest.

Attached for your information is a determination concerning the role of special government employees, which states our finding that in your position as Chairman of the NANC, you are not considered a special government employee. Thus, you will be able to independently carry out your duties as Chairman in a neutral manner, as did Chairman Hasselwander, to ensure the NANC's continued success.

I greatly appreciate your commitment to public service as demonstrated by your willingness to serve as Chairman of the NANC. The issues that NANC currently faces are among the most important consumer issues before us and I commend your willingness to help resolve these critical issues. Please call upon us if we can assist you in this or any matter

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relating to the advisory committee's work. Ms. Diane Griffin Harmon, as the Designated Federal Officer, will be pleased to assist you in all NANC-related matters. Diane may be reached at (202) 418-7294.

Sincerely,

William E. Kennard
Chairman

Attachment

Attachment

Re: Special Government Employee Status Determination

In your capacity as Chairman of the NANC, the Commission does not consider you, or any other member of the committee, to be a special government employee. This determination is necessary because a special government employee, like a regular government employee, can be subject to the financial disclosure requirements of 18 U.S.C. 208 and 47 U.S.C. 154(b), as well as the conflict of interest limitations in 47 U.S.C. 203, 205 and 207. This determination is based on several factors. Specifically, no committee member has been authorized to act as a spokesperson for the Commission, nor retained by the Commission to provide independent advice based on their individual qualifications. Moreover, consistent with established policies, all committee participants will continue to serve as representatives of identifiable groups or organizations with an interest in numbering resource administration issues.

In most instances, advisory committee members represent the organization with which the individual is affiliated. This includes those members of the committee who are government officials representing their agencies, and are either a regular federal government employee or an employee of a state, county or municipal government. In other cases, the committee member represents either himself, or his firm or other business entity, that has an interest in the subject matter of the advisory committee. Participants that represent an identifiable group or organization with an interest in the subject matter under consideration are not considered special government employees.

In your case, you are representing Sprint PCS, which, as a common carrier, has a legitimate interest in ensuring fair and impartial access to, and efficient use of, numbering resources. Therefore, based upon the representational nature of your duties as Chairman of the NANC, you should not be considered a special government employee of the Commission.